

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

IRVING OIL LIMITED and
HIGHLANDS FUEL DELIVERY, LLC,

Plaintiffs,

v.

ACE INA INSURANCE,

Defendant.

Case No. 2:16-cv-00533-DBH

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs Irving Oil Limited and Highlands Fuel Delivery, LLC and Defendant ACE INA Insurance (together, “the Parties”) hereby stipulate that Counts I and III of Plaintiffs’ Complaint for Declaratory Relief and Damages are dismissed with prejudice. The parties further stipulate that Count II of Plaintiffs’ Complaint for Declaratory Relief and Damages, and any defenses thereto, are dismissed without prejudice, because those claims and defenses are preserved in the parties’ Settlement and Defense Funding Agreement executed on December 8, 2016. Each party will bear its own costs, expenses, and fees, including attorney’s fees, incurred in this action.

Dated: January 11, 2017

/s/ David B. McConnell, Esq.

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Dated: January 11, 2017

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CERTIFICATE OF SERVICE

I, David B. McConnell, Esq., hereby certify that on January 11, 2017, I electronically filed the Stipulation of Dismissal with the Clerk of the Court, using the CM/ECF system. The CM/ECF system will provide service of such filed via Notice of Electronic filing (NEF) to the following NEF parties:

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